

CIVIL SERVICE BOARD MEETING

AUGUST 1, 2012

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, August 1, 2012, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Lori Favre, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Chief of Police Gregory Porter; Attorney Keith Martin; Deputy Chief Christopher Butler; Deputy Chief Timothy Robinson; County Attorney Pamela Everett; Juvenile Court Director John Johnson; Attorney Rachel Samuda; Joe Eckler; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m., and noted for the record that all members were present. Chairman Bartlett called for a motion to adopt the August 1st Agenda. Mr. Trimble made a motion to approve the agenda, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board Meeting minutes that was held on July 11, 2012.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
2. Considered for approval the Civil Service Board Meeting minutes that was held on July 13, 2012.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
3. Considered for approval request from Lauri L. Plamer, Juvenile Court, for annual leave donation.
 - a. Human Resources Director Renee Bright advised the request met all Civil Service requirements Ms. Palmer was not in attendance (Director John Johnson was present).

- b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- 4. Considered for approval request from Dianna Sessions, Probate Court, for annual leave donation.
 - a. Director Bright advised the request met all Civil Service requirements. Ms. Sessions was not in attendance.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- 5. **Grievance** – Considered grievance that was filed on June 8, 2010, by Joe M. Eckler, Police Department, with regards to “age discrimination barring older more experienced officers from being assigned entry level supervisory positions via temporary assigned duty”.
 - a. Chairman Bartlett asked Ms. Everett if Officer Eckler’s cases would be heard separately. County Attorney Pamela Everett responded yes, as she had received notice from HR asking for separate witness lists.
 - b. Mr. Eckler stated Rachel Samuda represented him. Ms. Samuda pronounced and spelled her name for the Board.
- 6. **Lonon Norwood (Police)** – Update.
 - a. Chairman Bartlett noticed that Attorney Keith Martin was in attendance (counsel for Lonon Norwood) and started to ask for an update (listed as item 10b).
 - b. Chairman Bartlett called for a motion to address item 10b before the grievance and appeals for Officer Eckler. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. Director Bright gave an update and stated that County Attorney Jack Hancock stated the settlement would take place but it has not happened.
 - d. Attorney Keith Martin stated that the terms had been negotiated with great details and stated his client would be reinstated, then resign and get compensated.
- 7. **Grievance** – Considered grievance that was filed on June 8, 2010, by Joe M. Eckler, Police Department, with regards to “age discrimination barring older more experienced officers from being assigned entry level supervisory positions via temporary assigned duty”.
 - a. Ms. Samuda advised the Board that counsel had agreed with Ms. Everett to withdraw the grievance.

- b. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. Chairman Bartlett called the meeting back to order.
8. ***Appeal*** – Considered appeal that was filed on June 24, 2010, by Joe M. Eckler, Police Department, with regards to “being suspended for two (2) days”.
- b. Mses. Everett and Samuda stated they were ready to proceed.
 - c. Mr. Osagie advised the Board and counsel that he has a working relationship with both the Appellant and his brother and explained in detail. Ms. Everett asked if there would be a problem. Mr. Osagie it would not be one.
 - d. Mses. Everett and Samuda stated they did not have a problem with Mr. Osagie remaining on the Board for Officer Eckler’s hearing.
 - e. Chairman Bartlett asked all witnesses who were present for the two day suspension to be sworn in. Ms. Everett swore in all witnesses.
 - f. Chairman Bartlett excused all witnesses for Officer Eckler’s 30-day suspension until after 1:30 p.m.
 - g. Ms. Everett asked for a rule of sequestration. Ms. Samuda had no objections.
 - h. Chairman Bartlett asked if there were any objections to allowing Craig Hammer to remain in the room while counsel presented its opening statement. Ms. Samuda had no objections.
 - i. Ms. Everett presented the County’s opening statement. Ms. Samuda presented the Appellant’s opening statement.
 - j. Ms. Everett called Capt. Craig Hammer to the witness stand. He stated his name, tenure and current duties. Ms. Everett began questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned County Exhibit C-10 (000019).
 - k. Ms. Everett continued questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Everett.
 - l. Ms. Samuda cross-examined Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Samuda. Ms. Samuda mentioned County Exhibit C-10 (000004).
 - m. Ms. Samuda continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Samuda.
 - n. Ms. Everett asked additional questions to Capt. Hammer. He responded in detail to all questions posed by Ms. Everett.

- o. Ms. Samuda asked additional questions to Capt. Hammer. He responded in detail to all questions posed by Ms. Samuda.
- p. The Board questioned Capt. Hammer. He responded in detail to all questions posed by the Board.
- q. There being no further questions, the witness was released (not subject to recall).
- r. Ms. Everett called Capt. Steven Branham to the witness stand. He stated his name, where employed and tenure. Ms. Everett began questioning Capt. Branham. Capt. Branham responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned County Exhibit C-10 (000014).
- s. Ms. Everett continued questioning Capt. Branham. Capt. Branham responded in detail to all questions posed by Ms. Everett.
- t. Ms. Samuda cross-examined Capt. Branham. Capt. Branham responded in detail to all questions posed by Ms. Samuda.
- u. Ms. Everett asked additional questions to Capt. Branham. He responded in detail to all questions posed by Ms. Everett.
- v. Ms. Samuda asked additional questions to Capt. Branham. He responded in detail to all questions posed by Ms. Samuda.
- w. The Board questioned Capt. Branham. He responded in detail to all questions posed by the Board.
- x. There being no further questions, the witness was released (not subject to recall).
- y. Ms. Everett called Justin Arnzen to the witness stand. He stated his name, where employed and tenure. Ms. Everett began questioning Sgt. Arnzen. Sgt. Arnzen responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned County Exhibit C-10 (000023).
- z. Ms. Everett continued questioning Sgt. Arnzen. Sgt. Arnzen responded in detail to all questions posed by Ms. Everett.
- aa. Ms. Samuda cross-examined Sgt. Arnzen. Sgt. Arnzen responded in detail to all questions posed by Ms. Samuda.
- bb. The Board questioned Sgt. Arnzen. He responded in detail to all questions posed by the Board.
- cc. There being no further questions, the witness was released (not subject to recall).
- dd. Vice-Chair Lancaster made a motion for a short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- ee. Chairman Bartlett called the meeting back to order.

- ff. Ms. Everett called Officer James Whittman to the witness stand. He stated his name and tenure. Ms. Everett began questioning Officer Whittman. Officer Whittman responded in detail to all questions posed by Ms. Everett.
- gg. Ms. Samuda cross-examined Officer Whittman. Officer Whittman responded in detail to all questions posed by Ms. Samuda.
- hh. The Board questioned Officer Whittman. He responded in detail to all questions posed by the Board.
- ii. There being no further questions, the witness was released (not subject to recall).
- jj. Ms. Everett called Police Chief Gregory Porter to the witness stand. He stated his name, position in April 2010 and tenure. Ms. Everett mentioned County Exhibit C-10 (000002).
- kk. Ms. Everett continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned County Exhibit C-5 (D3-5).
- ll. Ms. Everett continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Everett.
- mm. The Board questioned Chief Porter. He responded in detail to all questions posed by the Board.
- nn. There being no further questions, the witness was released (not subject to recall).
- oo. Ms. Everett called Deputy Chief Timothy Robinson to the witness stand. He stated his name and position held in 2010. Ms. Everett began questioning Deputy Chief Robinson. Deputy Chief Robinson responded in detail to all questions posed by Ms. Everett. Ms. Everett objected to Officer Eckler responding to Deputy Chief Robinson. Officer Eckler apologized.
- pp. Ms. Everett continued questioning Deputy Chief Robinson. Deputy Chief Robinson responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned County Exhibits C-14, C-15, C-16, C-17 and C-18.
- qq. Ms. Samuda cross-examined Deputy Chief Robinson. Deputy Chief Robinson responded in detail to all questions posed by Ms. Samuda.
- rr. Ms. Everett asked additional questions to Deputy Chief Robinson. He responded in detail to all questions posed by Ms. Everett.
- ss. The Board questioned Deputy Chief Robinson. He responded in detail to all questions posed by the Board.
- tt. There being no further questions, the witness was released (not subject to recall).
- uu. Ms. Everett stated the County rested its case.

- vv. Chairman Bartlett called for a motion to break for lunch until 12:45 p.m. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- ww. Chairman Bartlett called the meeting back to order.
- xx. Ms. Samuda called Sgt. Kevin Hughes to the witness stand. He stated his name, where employed, tenure and current rank. Ms. Samuda began questioning Sgt. Hughes. Sgt. Hughes responded in detail to all questions posed by Ms. Samuda.
- yy. Ms. Everett began to cross-examine Sgt. Hughes.
- zz. Ms. Everett. asked how much time she had used. Mr. Trimble advised 1 hour and 6 minutes.
- aaa. Ms. Everett played a portion of County Exhibit 12 (cd).
- bbb. Ms. Everett continued the cross-examination of Sgt. Hughes. Sgt. Hughes responded in detail to all questions posed by Ms. Everett.
- ccc. The Board questioned Sgt. Hughes. He responded in detail to all questions posed by the Board.
- ddd. There being no further questions, the witness was released (not subject to recall).
- eee. Ms. Samuda called Officer Joe Eckler to the witness stand. He stated his name, rank, and where employed. Ms. Samuda began questioning Officer Eckler. Officer Eckler responded in detail to all questions posed by Ms. Samuda. Ms. Everett objected to a question posed by Ms. Samuda as it "called for speculation on the part of the witness". The objection was sustained.
- fff. Ms. Samuda continued questioning Officer Eckler. Officer Eckler responded in detail to all questions posed by Ms. Samuda.
- ggg. Ms. Everett cross-examined Officer Eckler. Officer Eckler responded in detail to all questions posed by Ms. Everett.
- hhh. The Board questioned Officer Eckler. He responded in detail to all questions posed by the Board.
- iii. There being no further questions, the witness was released (not subject to recall).
- jjj. Ms. Samuda advised the Appellant rested its case.
- kkk. Chairman Bartlett called for a motion for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- lll. Chairman Bartlett called the meeting back to order.

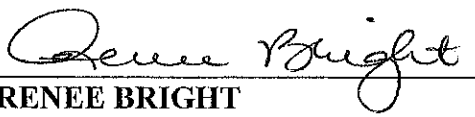
- mmm. Ms. Everett advised the County would present its closing arguments last.
- nnn. Ms. Samuda presented the Appellant's closing arguments. Ms. Everett presented the County's closing arguments.
- ooo. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on June 24, 2010, by Joe M. Eckler, Police Department, with regards to "being suspended for two (2) days". Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- ppp. Chairman Bartlett called the meeting back to order.
- qqq. Chairman Bartlett called for a motion regarding the appeal that was filed on June 24, 2010, by Joe M. Eckler, Police Department, with regards to "being suspended for two (2) days". Mr. Osagie made a motion to uphold the County's decision, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
9. *Appeal* – Considered appeal that was filed on March 18, 2011, by Joe M. Eckler, Police Department, with regards to "verbal order was not heard and my direct questions were not answered had it not been for the insubordination, I would not have been suspended".
- a. Chairman Bartlett advised he would give the Appellant and County some time to prepare for this appeal and advised the Board may meet an additional day this month to finish this appeal hearing.
- b. Chairman Bartlett called for a motion for a short break. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- c. Chairman Bartlett called the meeting back to order.
- d. Ms. Everett advised the Board that Officer Eckler had asked to have his 30-day suspension reduced to 20 days. Chief Porter agreed. Chairman Bartlett advised Officer Eckler would waive any future rights to appeal this matter; however, if this agreement falls apart, Officer Eckler could appeal to the Civil Service Board.
10. Discussion items.
- a. Rule amendments – Change to Civil Service Rule 11.310
- i. Civil Service Rule 11.310 – Director Bright advised that the change needed to be reviewed by County Attorney Jack Hancock prior to its presentation to the Board of Commissioners.
- ii. A discussion among the Board, Director Bright and Ms. Everett occurred.
- iii. Chairman Bartlett confirmed that Director Bright would draft a letter to the Board of Commissioners regarding the Rule.

- b. Rule amendments – Change of Probationary Period from 12 months to 18 months
 - i. Chairman Bartlett confirmed the change had the approval of Chief Porter and Sheriff Kimbrough.
 - c. Rule amendments – Nepotism Policy
 - i. Chairman Bartlett confirmed the requirements needed.
 - ii. Director Bright advised she would take this matter to the County Manager before the County Attorney places it in a Resolution format.
 - iii. Director Bright read from the Civil Service Act regarding the Civil Service Board could only make “non-binding recommendations” to the Board of Commissioners.
 - iv. Chairman Bartlett asked that the Civil Service Board receive whatever is sent to the Board of Commissioners via e-mail.
 - d. Selected a second meeting date for October 2012.
 - i. A discussion among the Board, Director Bright and Civil Service Board Attorney Joe Harris occurred.
 - ii. Chairman Bartlett made a motion to have October 4, 2012, as a second and Special Called meeting date for October, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - iii. Chairman Bartlett confirmed that the Civil Service Board would set meeting dates for November and December at its September meeting.
11. Other business.
- a. Civil Service Board – Yearly Training
 - i. Staff Attorney Christie Barnes would oversee training of the Civil Service Board before the beginning of its September 6, 2012 meeting (9:00 a.m. – 10:30 a.m.).

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR